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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,519	11/01/2001	Tokuro Fujiwara	SCEIY A 3.0-100	4255
530	7590	12/24/2003	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMLER & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 12/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/002,519	FUJIWARA ET AL.
Examiner	Art Unit	
Kim Nguyen	3713	(A)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 08 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-21 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9. 6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

The amendment filed on October 8, 2003 (paper No. 8) has been received and considered. By this amendment, claims 8-21 have been added and claims 1-21 are now pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-7, 10-13, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koizumi et al (US. Publication No. 2002/0019257) in view of Naka et al (US. Patent No. 5,513,307).
  - a. As per claim 1-4, Koizumi et al discloses a program comprising detecting the output from an operating portion of a user-operated device and when the character object encounters an obstacle object, the obstacle object is automatically overcome (paragraphs 0077, 0058, 0060, 0115, 0068 to 0070, and 0109 to 0122). Koizumi does not disclose automatically overcome an obstacle object based on the output from the operating portion of the user-operated device. However, Koizumi discloses a capability of automatically overcoming an obstacle object (paragraph 0017). Naka discloses automatically overcome an obstacle object based on the user's

input (Figs. 37A-37E; col. 19, lines 54-66). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to cause a player character to overcome an obstacle based on the user's control in order to allow the player to participate in controlling the character to overcome an obstacle.

- b. As per claim 5, Koizumi et al discloses performing a jumping-over action when the speed of movement of the character object is relatively fast (paragraph 0109), and Koizumi et al further discloses performing an appropriate action when the movement speed of the character is slow (paragraphs 0109 and 0112). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a scaling action at a slow speed, since providing climbing action for passing a high obstacle to suit the current slow speed of the character requires only routine skill in the art.
- c. As per claim 6-7, refer to discussion in claim 1 above. Further, Koizumi et al discloses a system comprises a program executing device, an operating device, and a display device as claimed (paragraphs 0080, 0058, 0083, and 0091).
- d. As per claim 10-13 and 16-19, refer to discussion in claims 2-5.

3. Claims 8-9, 14-15, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koizumi et al (US. Publication No. 2002/0019257) in view of Naka et al (US. Patent No. 5,513,307) and Kawai et al (US. Patent No. 6,283,861).

- a. As per claim 8-9, Kawai discloses determining whether the character object encounters an obstacle object based on a predetermined range along a line of view (col. 13, lines 27-32;

col. 14, lines 29-35 and 14-16). Further, using the overlap status of a perimeter range of a character object and the perimeter range of a obstacle object would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a predetermined range between the character object and the obstacle object of Kawai to determine if the character object encounters the obstacle object in order to facilitate determining the encounter between objects.

b. As per claim 14-15 and 20-21, refer to discussion in claims 8-9 above.

***Response to Arguments***

4. Applicant's arguments filed October 8, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument in pages 10-11 and page 12, lines 1-5, Kawai discloses that the character object overcomes an obstacle object based on the user's input would have been well known (paragraph 0004). Further, to assist the teaching of Kawai, the teaching of Naka proves that automatically controlling a character object to overcome an obstacle based on the player's input would have been well known.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA Second Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached on (703) 308-1327. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen  
Primary Examiner  
Art Unit 3713

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Date: December 16, 2003